IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 26503 of 2003(E)

PETITIONER:

P.J.VARGHESE, 72, CENTURY TERRACE,
Y.J.S.ROAD, KADAVANTHARA, COCHIN - 20.

BY ADV. SRI.N.JAMES KOSHY
SRI.BROSE JOSEPH NEELIYARA

RESPONDENTS:
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1. **THE MANAGER,**
   SECURITIES AND EXCHANGE BOARD OF INDIA
   (SEBI), 'D' WING, NARIMAN POINT, MUMBAI - 400 021.

2. **UNION OF INDIA, REPRESENTED BY THE**
   SECRETARY TO GOVERNMENT OF INDIA,
   FINANCE DEPARTMENT, CENTRAL SECRETARIAT,
   NEW DELHI.

3. **THE COCHIN STOCK EXCHANGE LIMITED,**
   36/1565, 4TH FLOOR, JUDGE'S AVENUE,
   KALOOR, ERNAKULAM, KOCHI - 17,
   REPRESENTED BY ITS EXECUTIVE DIRECTOR.

BY ADV. SRI.MATHEW ZACHARIAH
SRI.KOSHY GEORGE
SMT.I. SHEELA DEVI, ADDL.CGSC
SRI.R.SATHISH KUMAR, ADDL.CGSC
SRI.K.M.JAMALUDHEEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.26503/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE COMMUNICATION DT. 14.6.94.

EXT.P2:- COPY OF THE COMMUNICATION DT. 6.7.94.

EXT.P3:- COPY OF THE APPLICATION DT.28.6.94.

EXT.P4:- COPY OF THE COMMUNICATION DT. 3.4.95.

EXT.P5:- COPY OF THE COMMUNICATION DT. 5.4.95.

EXT.P6:- COPY OF THE REQUEST DT. 25.11.95.

EXT.P7:- COPY OF THE COMMUNICATION DT. 22.7.02.

EXT.P8:- COPY OF THE NOTICE DT. 28.10.02.

EXT.P9:- COPY OF THE COMMUNICATION DT. 21.11.02.

EXT.P10:- COPY OF THE REGISTERED NOTICE DT. 12.6.03, SENT TO THE 3RD RESPONDENT.

EXT.P11:- COPY OF THE REGISTERED NOTICE DT. 12.6.03, SENT TO THE 1ST RESPONDENT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P(C)No.26503 of 2003

Dated this the 6th day of June, 2007

JUDGMENT

The writ petition is filed mainly with the following prayers:-

> ii) issue a writ of mandamus or any other appropriate writ, order or direction commanding the first respondent to direct the 3rd respondent to refund to the petitioner the entire amount collected by the 3rd respondent from the petitioner with 12% interest, till the date of payment;
>
> iii) issue a writ of mandamus or any other appropriate writ, order or direction to direct the first respondent to consider and take a decision on Ext.P11 in accordance with law and issue appropriate direction to the 3rd respondent, immediately.

Since Ext.P11 is pending before the first respondent, the writ petition is disposed of directing the first respondent to consider Ext.P11 with notice to the petitioner and the 3rd respondent and pass appropriate orders thereon in accordance with law and communicate the same to the petitioner and the 3rd respondent within a period of three months from the date of production of a copy of the judgment. It is made clear that in case the first respondent finds that any amounts are due to be paid by the 3rd respondent to the petitioner the amounts will be specified and the time for repayment will also be specified.

(KURIAN JOSEPH, JUDGE)

ahg.